

Remarks

A. Restriction Requirement

In response to the Office Action dated December 20, 2002, Applicant elects without traverse to initially prosecute the claims of Group II (Claims 14-25).

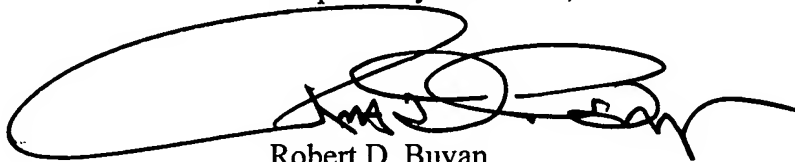
B. Election of Species Requirement

Additionally, Applicant provisionally elects to limit the claims to species 2 (separate heat exchange and intra-aortic balloon counterpulsation catheters) in the even that no generic claim is deemed allowance. Original Claims 19-25 and new Claim 27 are believed to read on this elected species.

Applicant traverses the election of species requirement insofar as the Examiner has indicated that, presently, no claim is generic to both disclosed species. In support of this traverse, Applicant respectfully points out that Claim 19 may be interpreted as reading on *either* an embodiment wherein the heat exchange catheter and balloon counterpulsation catheter comprise a single catheter *or* an embodiment wherein the heat exchange catheter and balloon counterpulsation catheter comprise separate catheters. As such, independent Claim 19 is generic to both species. To make this clear, Applicant has added new dependent Claims 26 and 27, further defining the subject matter of Claim 19 as either a single catheter (new Claim 26) or separate catheters (new Claim 27). In view of the addition of these new dependent claims, the doctrine of claim differentiation requires that Claim 19 be interpreted as reading on both the single catheter and separate catheter embodiments. Accordingly, its is respectfully requested that the Examiner acknowledge that Claim 19 is generic to both of the species identified in the Office Action.

An Information Disclosure Statement is being mailed under separate cover. All Claims 14-17 are believed to be in condition for allowance. The Examiner is invited to telephone Applicant's undersigned counsel to discuss any measures that may be taken to facilitate prompt issuance of a Notice of Allowance.

Respectfully submitted,



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Dated: January 20, 2003
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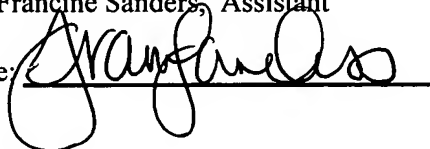
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail in an envelope to Commissioner for Patents, Washington, D.C. 20231, on:

Date: January 20, 2003

Name: Francine Sanders, Assistant

Signature: _____



APPENDIX A

26. (New) A method according to Claim 19 wherein the heat exchange catheter provided in Step A and the intra-aortic balloon counterpulsation catheter provided in Step B comprise a single catheter body having both a heat exchanger and a counterpulsation balloon thereon.

27. (New) A method according to Claim 19 wherein the heat exchange catheter provided in Step A and the intra-aortic balloon counterpulsation catheter provided in Step B comprise separate catheters.